

Message Text

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PAGE 01 VIENNA 02024 01 OF 03 101329Z

43

ACTION L-02

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UNCLAS SECTION 1 OF 3 VIENNA 2024

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SUBJECT: ARTICLES ADOPTED BY COMMITTEE OF THE WHOLE DURING PERIOD

FEB. 28 - MAR. 5: UN 1975 CONFERENCE, VIENNA

TEXT OF ARTICLES ADOPTED BY COMMITTEE OF THE WHOLE
FROM FEBRUARY 28 TO MARCH 5 AND REFERRED TO DRAFTING
COMMITTEE ARE GIVEN BELOW:

ARTICLE B (SENDING OF OBSERVER DELEGATIONS)

ILC TEXT ADOPTED.

ARTICLE C (APPOINTMENT OF THE MEMBERS OF THE
OBSERVER DELEGATIONS).

ILC TEXT ADOPTED.

ARTICLE D (LETTER OF APPOINTMENT OF THE OBSERVER DELEGATION).

QUOTE: THE LETTER OF APPOINTMENT OF THE HEAD OF THE
OBSERVER DELEGATION AND OTHER OBSERVER DELEGATES SHALL
BE ISSUED EITHER BY THE HEAD OF STATE OR BY THE HEAD
OF GOVERNMENT OR BY THE MINISTER FOR FOREIGN AFFAIRS OR,
IF THE RULES OF THE ORGANIZATION OR THE RULES OF PRO-
CEDURE OF THE CONFERENCE SO ADMIT, BY ANOTHER COMPETENT
AUTHORITY OF THE SENDING STATE. IT SHALL BE TRANSMITTED,
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PAGE 02 VIENNA 02024 01 OF 03 101329Z

AS THE CASE MAY BE, TO THE ORGANIZATION OR TO THE CON-

ERENCE. UNQUOTE.

ARTICLE F (NOTIFICATIONS)

ILC TEXT ADOPTED, WITH EXCEPTION OF SUB-PARA 1(A).

QUOTE: SUB-PARA 1 (A). THE COMPOSITION OF THE OBSERVER DELEGATION, INCLUDING THE POSITION, TITLE AND ORDER OF PRECEDENCE OF THE MEMBERS OF THE OBSERVER DELEGATION, AND ANY SUBSEQUENT CHANGES THEREIN; UNQUOTE.

ARTICLE F BIS (ACTING HEAD OF OBSERVER DELEGATION)

QUOTE: PARA 1. IF THE HEAD OF THE OBSERVER DELEGATION IS ABSENT OR UNABLE TO PERFORM HIS FUNCTIONS, AN ACTING HEAD SHALL BE DESIGNATED FROM AMONG THE OTHER OBSERVER DELEGATES BY THE HEAD OF THE OBSERVER DELEGATION OR, IN CASE HE IS UNABLE TO DO SO, BY A COMPETENT AUTHORITY OF THE SENDING STATE. THE NAME OF THE ACTING HEAD SHALL BE NOTIFIED, AS THE CASE MAY BE, TO THE ORGANIZATION OR TO THE CONFERENCE.

2. IF AN OBSERVER DELEGATION DOES NOT HAVE ANOTHER DELEGATE AVAILABLE TO SERVE AS ACTING HEAD, ANOTHER PERSON MAY BE DESIGNATED FOR THAT PURPOSE. IN SUCH CASE CREDENTIALS MUST BE ISSUED AND TRANSMITTED IN ACCORDANCE WITH ARTICLE D. UNQUOTE.

ARTICLE G (PRECEDENCE)

ILC TEXT ADOPTED.

ARTICLE H (GENERAL FACILITIES)

QUOTE: THE HOST STATE SHALL ACCORD TO THE OBSERVER DELEGATION ALL THE FACILITIES REQUIRED FROM THE PERFORMANCE OF ITS TASKS. THE ORGANIZATION OR, AS THE CASE MAY BE, THE CONFERENCE SHALL ASSIST THE OBSERVER DELEGATION IN OBTAINING THOSE FACILITIES AND SHALL ACCORD TO THE OBSERVER DELEGATION SUCH FACILITIES AS LIE WITHIN THEIR OWN COMPETENCE. UNQUOTE.

ARTICLE H BIS (PREMISES AND ACCOMMODATION)

QUOTE: IF SO REQUESTED, THE HOST STATE AND WHERE NECESSARY, THE ORGANIZATION OR THE CONFERENCE SHALL UNCLASSIFIED

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PAGE 03 VIENNA 02024 01 OF 03 101329Z

ASSIST THE SENDING STATE IN OBTAINING ON REASONABLE TERMS THE PREMISES NECESSARY FOR THE OBSERVER DELEGATION AND SUITABLE ACCOMMODATION FOR THE MEMBERS OF THE OBSERVER DELEGATION. UNQUOTE.

ARTICLE I (ASSISTANCE IN RESPECT OF PRIVILEGES AND IMMUNITIES)

PARA 1. ORIGINAL ILC TEXT ADOPTED.

ADDED PARA 2. QUOTE THE ORGANIZATION, OR AS THE CASE
MAY BE, THE ORGANIZATION AND THE CONFERENCE SHALL,
WHERE NECESSARY, ASSIST THE HOST STATE IN SECURING THE
DISCHARGE OF THE OBLIGATIONS OF THE SENDING STATE CON-
CERNING PRIVILEGES AND IMMUNITIES PROVIDED FOR UNDER
THE PRESENT CONVENTION." UNQUOTE.

ARTICLE J (INVIOABILITY OF ARCHIVES AND DOCUMENTS)
ILC TEXT ADOPTED.

ARTICLE K (FREEDOM OF MOVEMENT)
ILC TEXT ADOPTED.

ARTICLE L (FREEDOM OF COMMUNICATION)
ILC TEXT ADOPTED FOR PARAS 2, 5 AND 6. AMENDED PARAS
FOLLOW:
QUOTE: PARA 1. THE HOST STATE SHALL PERMIT AND PROTECT
FREE COMMUNICATION ON THE PART OF THE OBSERVER DELEGA-
TION FOR ALL OFFICIAL PURPOSES. IN COMMUNICATING WITH
THE GOVERNMENT OF THE SENDING STATE, ITS PERMANENT
DIPLOMATIC MISSIONS, PERMANENT MISSIONS AND PERMANENT
OBSERVER MISSIONS WHEREEVER SITUATED, THE OBSERVER DELEGATION

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PAGE 01 VIENNA 02024 02 OF 03 101358Z

43
ACTION L-02

INFO OCT-01 EUR-12 IO-10 ISO-00 OIC-02 AF-06 ARA-10 EA-10

NEA-09 SS-15 SP-02 NSC-05 H-02 PA-02 PRS-01 USIA-15

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R 101220Z MAR 75
FM AMEMBASSY VIENNA
TO SECSTATE WASHDC 5037
INFO USMISSION USUN NEW YORK
USMISSION GENEVA

UNCLAS SECTION 2 OF 3 VIENNA 2024

MAY EMPLOY ALL APPROPRIATE MEANS, INCLUDING COURIERS
AND MESSAGES IN CODE OR CIPHER. HOWEVER THE OBSERVER

DELEGATION MAY INSTAL AND USE A WIRELESS TRANSMITTER ONLY WITH THE CONSENT OF THE HOST STATE.

PARA 3. WHERE PRACTICABLE, THE OBSERVER DELEGATION SHALL USE THE MEANS OF COMMUNICATION, INCLUDING THE BAG AND COURIER, OF THE PERMANENT DIPLOMATIC MISSION, OF A CONSULAR POST OF THE PERMANENT MISSION OR OF THE PERMANENT OBSERVER MISSION OF THE SENDING STATE.

PARA 4(A). THE BAG OF THE OBSERVER DELEGATION SHALL NOT BE OPENED OR DETAINED. HOWEVER, SHOULD THE HOST STATE HAVE SERIOUS REASON TO BELIEVE THAT A BAG CONTAINS ARTICLES OTHER THAN THOSE INTENDED FOR THE OFFICIAL USE OF THE OBSERVER DELEGATION, IT MAY REQUEST THAT THE BAG BE OPENED FOR INSPECTION IN THE PRESENCE OF AN AUTHORIZED REPRESENTATIVE OF THE SENDING STATE;
PARA 4(B). IF THE SENDING STATE REFUSES TO COMPLY WITH SUCH A REQUEST THE BAG SHALL BE RETURNED TO THE PLACE OF ORIGIN. UNQUOTE.

ARTICLE N (INVIOABILITY OF ACCOMMODATION AND PROPERTY)
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PAGE 02 VIENNA 02024 02 OF 03 101358Z

QUOTE: PARA 1. THE PRIVATE ACCOMMODATIONS OF THE HEAD OF THE OBSERVER DELEGATION AND THE OTHER DELEGATES, AND THE MEMBERS OF THE DIPLOMATIC STAFF OF THE DELEGATION SHALL BE INVIOABLE. THE AGENTS OF THE HOST STATE MAY NOT ENTER THEM, EXCEPT WITH THE CONSENT OF THE HEAD OF THE OBSERVER DELEGATION OR, IF NECESSARY, WITH THE CONSENT OF OTHER DELEGATES AND MEMBERS OF THE DIPLOMATIC STAFF OF THE DELEGATION. THE CONSENT OF THE OBSERVER DELEGATE MAY, HOWEVER, BE ASSUMED IN CASE OF FIRE OR OTHER DISASTER SERIOUSLY ENDANGERING PUBLIC SAFETY AND REQUIRING PROMPT PROTECTIVE ACTION.

2. WHEN THE CIRCUMSTANCES ARE SUCH THAT AN OBSERVER DELEGATION REQUIRES SPECIAL PROTECTION, THE HOST STATE SHALL TAKE ALL APPROPRIATE STEPS TO PROTECT THE ACCOMMODATION OF THE OBSERVER DELEGATION AGAINST ANY INTRUSION OR DAMAGE.

3. THE ACCOMMODATIONS OF THE HEAD OF THE OBSERVER DELEGATION, OTHER DELEGATES AND MEMBERS OF THE DIPLOMATIC STAFF OF THE DELEGATION, THEIR FURNISHINGS AND OTHER PROPERTY THEREON AND THE MEANS OF TRANSPORT OF THE HEAD OF THE OBSERVER DELEGATION, OTHER DELEGATES AND MEMBERS OF THE DIPLOMATIC STAFF OF THE DELEGATION SHALL BE IMMUNE FROM SEARCH, REQUISITION, ATTACHMENT

OR EXECUTION.

4. THE PAPERS, CORRESPONDENCE AND, EXCEPT AS PROVIDED IN PARAGRAPH 3 OF ARTICLE O, THE PROPERTY OF THE HEAD OF THE OBSERVER DELEGATION, OTHER DELEGATES AND MEMBERS OF THE DIPLOMATIC STAFF OF THE DELEGATION SHALL LIKEWISE ENJOY INVIOABILITY. UNQUOTE.

ARTICLE Q (EXEMPTION FROM SOCIAL SECURITY LEGISLATION)

QUOTE: PARA 1. THE HEAD OF THE OBSERVER DELEGATION AND OTHER DELEGATES AND MEMBERS OF THE DIPLOMATIC STAFF OF THE DELEGATION SHALL, WITH RESPECT TO SERVICES RENDERED FOR THE SENDING STATE, BE EXEMPT FROM SOCIAL SECURITY PROVISIONS WHICH MAY BE IN FORCE IN THE HOST STATE. UNQUOTE.
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PAGE 03 VIENNA 02024 02 OF 03 101358Z

PARA 2. ILC TEXT ADOPTED.

ARTICLE O (IMMUNITY FROM JURISDICTION)

QUOTE: PARA 1. THE HEAD OF THE OBSERVER DELEGATION AND OTHE DELEGATES AND MEMBERS OF THE DIPLOMATIC STAFF OF THE DELEGATION, SHALL ENJOY IMMUNITY FROM THE CRIMINAL JURISDICTION OF THE HOST STATE.

2. THE HEAD OF THE OBSERVE DELEGATION AND OTHER DELEGATES AND MEMBERS OF THE DIPLOMATIC STAFF OF THE DELEGATION SHALL ENJOY IMMUNITY FROM THE CIVIL AND ADMINISTRATIVE JURISDICTION OF THE HOST STATE IN RESPECT OF ALL ACTS PERFORMED IN THE EXERCISE OF THEIR OFFICIAL FUNCTION.

3. NO MEASURES OF EXECUTION MAY BE TAKEN IN RESPECT OF SUCH PERSONS UNLESS THEY CAN BE TAKEN WITHOUT INFRINGING THEIR RIGHTS UNDER ARTICLE M AND N.

4. THE HEAD OF THE OBSERVER DELEGATION AND OTHER DELEGATES AND MEMBERS OF THE DIPLOMATIC STAFF OF THE DELEGATION ARE NOT OBLIGED TO GIVE EVIDENCE AS WITNESSES.

5. THE IMMUNITY FROM JURISDICTION OF THE HEAD OF THE OBSERVER DELEGATION AND OTHER DELEGATES AND MEMBERS OF THE DIPLOMATIC STAFF OF THE DELEGATION DOES NOT EXEMPT THEM FROM THE JURISDICTION OF THE SENDING STATE.

6. NOTHING IN THIS ARTICLE SHALL EXEMPT THE HEAD OF AN OBSERVER DELEGATION OR ANY OTHER DELEGATE OR MEMBER OF THE DIPLOMATIC STAFF OF THE DELEGATION FROM THE JURISDICTION OF THE HOST STATE IN RELATION TO AN ACTION FOR

DAMAGES ARISING FROM AN ACCIDENT CAUSED BY A VEHICLE,
VESSEL OR AIRCRAFT OWNED OR USED BY HIM OUTSIDE THE
PERFORMANCE OF THIS TASKS WHERE THOSE DAMAGES ARE NOT
RECOVERABLE FROM INSURANCE. UNQUOTE.

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PAGE 01 VIENNA 02024 03 OF 03 101500Z

43

ACTION L-02

INFO OCT-01 EUR-12 IO-10 ISO-00 OIC-02 AF-06 ARA-10 EA-10

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UNCLAS SECTION 3 OF 3 VIENNA 2024

ARTICLE 72 (NATIONALITY OF THE MEMBERS OF THE
MISSION OR THE DELEGATION)

QUOTE: PARA 1. THE HEAD OF MISSION AND MEMBERS OF THE
DIPLOMATIC STAFF OF THE MISSION, THE HEAD OF DELEGATION,
OTHER DELEGATES AND MEMBERS OF THE DIPLOMATIC STAFF
OF THE DELEGATION SHOULD IN PRINCIPLE BE OF THE
NATIONALITY OF THE SENDING STATE.

2. THE HEAD OF MISSION AND MEMBERS OF THE DIPLOMATIC
STAFF OF THE MISSION MAY NOT BE APPOINTED FROM AMONG
PERSONS HAVING THE NATIONALITY OF THE HOST STATE EXCEPT
WITH THE CONSENT OF THAT STATE, WHICH MAY BE WITHDRAW
AT ANY TIME.

3. WHERE THE HEAD OF DELEGATION, ANY OTHER DELEGATE
OR ANY MEMBER OF THE DIPLOMATIC STAFF OF THE DELEGA-
TION IS APPOINTED FROM AMONG PERSONS HAVING THE
NATIONALITY OF THE HOST STATE, THE CONSENT OF THAT
STATE SHALL BE ASSUMED IF IT HAS BEEN NOTIFIED OF
THE APPOINTMENT AND HAS MADE NO OBJECTION. UNQUOTE.

ARTICLE 73 (LAWS CONCERNING ACQUISITION OF NATIONALITY)
ILC TEXT ADOPTED.

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PAGE 02 VIENNA 02024 03 OF 03 101500Z

ARTICLE 74 (PRIVILEGES AND IMMUNITIES IN CASE
OF MULTIPLE FUNCTIONS)
ILC TEXT ADOPTED.

ARTICLE 74 BIS (CO-OPERATION BETWEEN SENDING STATES
AND HOST STATES)
QUOTE: IN RESPECT OF SUCH MEMBERS OF ITS MISSIONS AND
DELEGATIONS AS ENJOY PRIVILEGES AND IMMUNITIES UNDER
THE PRESENT CONVENTION, THE SENDING STATE SHALL CO-
OPERATE AS FULLY AS POSSIBLE WITH THE HOST STATE IN
THE CONDUCT OF ANY INVESTIGATION OR PROSECUTION CARRIED
OUT IN ACCORDANCE WITH THE PROVISIONS OF ARTICLES 28,
29, 59, 60, M AND N. UNQUOTE.

ARTICLE 75 (RESPECT FOR THE LAWS AND REGULATIONS
OF THE HOST STATE)
PARA 1. ILC TEXT ADOPTED.

QUOTE: PARA 2. IN CASE OF GRAVE AND MANIFEST VIOLA-
TION OF THE CRIMINAL LAW OF THE HOST STATE BY A PERSON
ENJOYING IMMUNITY FROM JURISDICTION, THE SENDING STATE
SHALL, UNLESS THE SENDING STATE WAIVES THE IMMUNITY
OF THE PERSON CONCERNED, RECALL HIM, TERMINATE HIS
FUNCTIONS WITH THE MISSION OR THE DELEGATION OR SECURE
HIS DEPARTURE, AS APPROPRIATE. THE SENDING STATE SHALL
TAKE THE SAME ACTION IN CASE OF GRAVE AND MANIFEST
INTERFERENCE IN THE INTERNAL AFFAIRS OF THE HOST STATE.
THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY IN
THE CASE OF ANY ACT THAT THE PERSON CONCERNED PERFORMED
IN CARRYING OUT THE FUNCTIONS OF THE MISSION OR THE
TASKS OF THE DELEGATION. UNQUOTE.

PARA 3. ILC TEXT ADOPTED.

QUOTE: PARA 4. NOTHING IN THIS ARTICLE SHALL BE CON-
STRUED AS PROHIBITING THE HOST STATE FROM TAKING SUCH
MEASURES AS ARE NECESSARY FOR ITS OWN PROTECTION.
IN THAT EVENT THE HOST STATE SHALL, WITHOUT PREJUDICE
TO ARTICLES 81 AND 82, CONSULT THE SENDING STATE IN
AN APPROPRIATE MANNER IN ORDER TO ENSURE THAT SUCH
MEASURES DO NOT INTERFERE WITH THE NORMAL FUNCTIONING
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PAGE 03 VIENNA 02024 03 OF 03 101500Z

OF THE MISSION OR DELEGATION. UNQUOTE.

ARTICLE 75 BIS

QUOTE: THE MEMBERS OF THE MISSION OR OF THE DELEGATION
SHALL COMPLY WITH ALL OBLIGATIONS UNDER THE LAWS AND
REGULATIONS OF THE HOST STATE RELATING TO THIRD-PARTY
LIABILITY INSURANCE FOR THE USE OF ANY VEHICLE, BOAT
OR AIRCRAFT. UNQUOTE.

ARTICLE 76 (ENTRY INTO THE TERRITORY OF THE HOST
STATE)
ILC TEXT ADOPTED.

ARTICLE 77 (FACILITIES FOR DEPARTURE)
ILC TEXT ADOPTED.

ARTICLE 78 (TRANSIT THROUGH THE TERRITORY OF A
THIRD STATE)
ILC TEXT ADOPTED.

ARTICLE 79 (NON RECOGNITION OF STATES OR GOVERNMENTS
OR ABSENCE OF DIPLOMATIC OR CONSULAR RELATIONS)
ILC TEXT ADOPTED.

ARTICLE 80 (NON-DISCRIMINATION)
ILC TEXT ADOPTED.MOWINCKEL

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